

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

TIMOTHY CALLAHAN

**Plaintiff,**

CIVIL ACTION

**V.**

NO.

THE WALT DISNEY COMPANY and,

BUENA VISTA THEATRICAL  
PRODUCTIONS, LTD.

**Defendants.**

## **NOTICE OF REMOVAL**

Defendants The Walt Disney Company (“Disney”) and Buena Vista Theatrical Group, Ltd. (“Buena Vista”) (incorrectly sued herein as Buena Vista Theatrical Productions, Ltd.), by and through their undersigned counsel and pursuant to 28 U.S.C. §§ 1441 and 1446, hereby gives notice of the removal of the above-captioned matter from the Court of Common Pleas of Philadelphia County, Pennsylvania, to the United States District Court for the Eastern District of Pennsylvania. In support thereof, Disney and Buena Vista aver as follows:

1. On or about May 10, 2002, plaintiff Timothy Callahan (“Callahan”) commenced this action by filing a Complaint in the Court of Common Pleas of Philadelphia County. A true and correct copy of Callahan’s Complaint is attached hereto as Exhibit A.

2. On or about May 20, 2002, Callahan purported to serve a copy of its Complaint on The Walt Disney Company.

3. On or about May 21, 2002, Callahan purported to serve a copy of its Complaint on Buena Vista Theatrical Productions, Ltd.

4. At the time of the filing of the Complaint and, upon information and belief, at the time of filing this notice of removal, Plaintiff Callahan was and is a citizen of the Commonwealth of Pennsylvania residing at 8825 Macon Street, Philadelphia, Pennsylvania 19152.

5. At the time of the filing of the Complaint and at the time of filing this notice of removal, The Walt Disney Company was and is a Delaware corporation with a principal place of business at 500 South Buena Vista Street, Burbank, California 91521.

6. At the time of the filing of the Complaint and at the time of filing this notice of removal, there was no corporation known as Buena Vista Theatrical Productions Ltd. There is a corporation by the name of Buena Vista Theatrical Group, Ltd., which is a New York corporation with a principal place of business at 1450 Broadway, Suite 300, New York, New York 10017.

7. Complete diversity of citizenship exists between the plaintiff, a citizen of the Commonwealth of Pennsylvania, and the defendants The Walt Disney Company and Buena Vista Theatrical Group, Ltd. (incorrectly sued as "Buena Vista Theatrical Productions, Ltd.). Said diversity of citizenship existed at the time the action sought to be removed was commenced and continues to exist at the time of the filing of this notice of removal. Upon information and belief based on the facts set forth in Plaintiff's Complaint, the amount in controversy, exclusive of interests and costs, is in excess of the jurisdictional limits. Therefore, as to the said claims and causes of action, jurisdiction is vested in this court and defendants are entitled to removal pursuant to 28 U.S.C. §§ 1332 and 1441(a).

8. Defendants have filed this notice of removal within thirty days of service of the initial pleadings setting forth a claim for relief as required under 28 U.S.C. § 1446(b).

WHEREFORE, the above-captioned action, now pending in the Court of Common Pleas of Philadelphia County, Pennsylvania is removed therefrom to this court.

Dated: June 19, 2002

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Nancy H. Marvel  
Attorney Identification No. 74916  
Dwayne F. Stanley  
Attorney Identification No. 86081  
DRINKER BIDDLE & REATH LLP  
One Logan Square  
18th and Cherry Streets  
Philadelphia, Pennsylvania 19103-6996

Attorneys for Defendants  
The Walt Disney Company and  
Buena Vista Theatrical Group, Ltd.

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TIMOTHY CALLAHAN

Plaintiff,

v.

THE WALT DISNEY COMPANY and,

BUENA VISTA THEATRICAL  
PRODUCTIONS, LTD.

Defendants.

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COURT OF COMMON PLEAS  
PHILADELPHIA COUNTY  
CIVIL DIVISION – LAW

MAY TERM 2002

CASE NO. 000992

**NOTICE OF FILING OF NOTICE OF REMOVAL**

To: Clerk of Courts – Civil, Court of Common Pleas, Philadelphia County

Pursuant to 28 U.S.C. § 1446(d), defendants The Walt Disney Company and Buena Vista Theatrical Group, Ltd. (improperly sued herein as Buena Vista Theatrical Production, Ltd.) file herewith a certified copy of the Notice of Removal filed in the United States District Court for the Eastern District of Pennsylvania on June 19, 2002.

Respectfully submitted,

DRINKER BIDDLE & REATH LLP

Dated: June 19, 2002

By: \_\_\_\_\_  
Nancy H. Marvel  
Dwayne F. Stanley

Attorneys for Defendants  
The Walt Disney Company and  
Buena Vista Theatrical Group, Ltd.

**CERTIFICATE OF SERVICE**

I hereby certify that on today's date I served a true and correct copy of the foregoing notice of removal by first-class mail, postage prepaid, upon all attorneys of record, addressed as follows:

Thomas G. Kopil, Esquire  
Timby, Haft, Kopil and Sacco  
330 South State Street  
Newton, Pennsylvania 18940

Counsel for Plaintiff

Dated: June 19, 2002

\_\_\_\_\_  
Dwayne F. Stanley

**CERTIFICATE OF SERVICE**

I hereby certify that on today's date I served a true and correct copy of the foregoing notice of filing of notice of removal by first-class mail, postage prepaid, upon all attorneys of record, addressed as follows:

Thomas G. Kopil, Esquire  
Timby, Haft, Kopil and Sacco  
330 South State Street  
Newton, Pennsylvania 18940

Counsel for Plaintiff

Dated: June 19, 2002

\_\_\_\_\_  
Dwayne F. Stanley